

# STATE OF NEW YORK

2270

2021-2022 Regular Sessions

## IN SENATE

January 20, 2021

Introduced by Sens. GALLIVAN, AKSHAR, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle or vehicle displaying a blue or green light

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1144-a of the vehicle and traffic law, as amended  
2 by chapter 458 of the laws of 2011, the section heading as amended and  
3 subdivision (c) as added by chapter 97 of the laws of 2016, subdivision  
4 (a) as amended by chapter 248 of the laws of 2013, and subdivision (b)  
5 as amended by section 3 of part C of chapter 58 of the laws of 2020, is  
6 amended to read as follows:  
7 § 1144-a. Operation of vehicles when approaching a parked, stopped or  
8 standing authorized emergency vehicle or hazard vehicle or vehicle  
9 displaying a blue or green light. (a) 1. Every operator of a motor vehi-  
10 cle shall exercise due care to avoid colliding with an authorized emer-  
11 gency vehicle which is parked, stopped or standing on the shoulder or  
12 any portion of such highway and such authorized emergency vehicle is  
13 displaying one or more red or combination red and white lights pursuant  
14 to the provisions of paragraph two of subdivision forty-one of section  
15 three hundred seventy-five of this chapter or is displaying one or more  
16 blue, combination blue and red or combination blue, red and white lights  
17 pursuant to the provisions of subparagraph b of paragraph four of subdi-  
18 vision forty-one of section three hundred seventy-five of this chapter.  
19 For operators of motor vehicles on parkways or controlled access high-  
20 ways, such due care shall include, but not be limited to, moving from a  
21 lane which contains or is immediately adjacent to the shoulder where  
22 such authorized emergency vehicle displaying one or more red, blue or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD04108-01-1

1 white or any combination of red and white lights or blue or combination  
2 blue and red or combination blue, red and white lights pursuant to the  
3 provisions of paragraph two or subparagraph b of paragraph four, as  
4 applicable of subdivision forty-one of section three hundred seventy-  
5 five of this chapter is parked, stopped or standing to another lane,  
6 provided that such movement otherwise complies with the requirements of  
7 this chapter including, but not limited to, the provisions of sections  
8 eleven hundred ten [~~of this title~~] and eleven hundred twenty-eight of  
9 this title.

10 [~~(b)~~] 2. Every operator of a motor vehicle shall exercise due care to  
11 avoid colliding with a hazard vehicle which is parked, stopped or stand-  
12 ing on the shoulder or on any portion of such highway and such hazard  
13 vehicle is displaying one or more amber lights pursuant to the  
14 provisions of paragraph three of subdivision forty-one of section three  
15 hundred seventy-five of this chapter or, if such hazard vehicle is  
16 designed for the towing or pushing of disabled vehicles such hazard  
17 vehicle is displaying one or more amber lights or one or more blue or  
18 combination blue and amber lights pursuant to the provisions of para-  
19 graph three or subparagraph b-1 of paragraph four, as applicable, of  
20 subdivision forty-one of section three hundred seventy-five of this  
21 chapter. For operators of motor vehicles on parkways or controlled  
22 access highways, such due care shall include, but not be limited to,  
23 moving from a lane which contains or is immediately adjacent to the  
24 shoulder where (i) such hazard vehicle displaying one or more amber  
25 lights pursuant to the provisions of paragraph three of subdivision  
26 forty-one of section three hundred seventy-five of this chapter or (ii)  
27 such hazard vehicle designed for the towing or pushing of disabled vehi-  
28 cles displaying one or more amber lights or one or more blue or combina-  
29 tion blue and amber lights pursuant to the provisions of paragraph three  
30 or subparagraph b-1 of paragraph four, as applicable, of subdivision  
31 forty-one of section three hundred seventy-five of this chapter, is  
32 parked, stopped or standing to another lane, provided that such movement  
33 otherwise complies with the requirements of this chapter including, but  
34 not limited to, the provisions of sections eleven hundred ten and eleven  
35 hundred twenty-eight of this title.

36 [~~(c)~~] 3. Every operator of a motor vehicle shall exercise due care to  
37 avoid colliding with a vehicle displaying a blue light pursuant to the  
38 provisions of paragraph four or a green light pursuant to the provisions  
39 of paragraph five of subdivision forty-one of section three hundred  
40 seventy-five of this chapter which is parked, stopped or standing on the  
41 shoulder or any portion of such highway. For operators of motor vehicles  
42 on parkways or controlled access highways, such due care shall include,  
43 but not be limited to, moving from a lane which contains or is imme-  
44 diately adjacent to the shoulder where such vehicle displaying a blue  
45 light pursuant to the provisions of paragraph four or a green light  
46 pursuant to the provisions of paragraph five of subdivision forty-one of  
47 section three hundred seventy-five of this chapter is parked, stopped or  
48 standing to another lane, provided that such movement otherwise complies  
49 with the requirements of this chapter including, but not limited to, the  
50 provisions of sections eleven hundred ten and eleven hundred twenty-  
51 eight of this title.

52 (b) 1. An operator of a motor vehicle who causes physical injury as  
53 defined under article ten of the penal law as a result of recklessly  
54 failing to exercise due care in violation of subdivision (a) of this  
55 section shall be guilty of a class A misdemeanor punishable by a fine of  
56 not less than two hundred fifty dollars nor more than five hundred

1 dollars in addition to any other penalties provided by law. A conviction  
2 for a second or any subsequent violation, any of which were committed  
3 within a period of eighteen months, shall constitute a class E felony,  
4 punishable by a fine of not less than one thousand nor more than two  
5 thousand five hundred dollars in addition to any other penalties  
6 provided by law.

7 2. An operator of a motor vehicle (i) who causes serious physical  
8 injury as defined under article ten of the penal law as a result of  
9 recklessly failing to exercise due care in violation of subdivision (a)  
10 of this section shall be guilty of a class D felony punishable by a fine  
11 of not less than one thousand dollars nor more than five thousand  
12 dollars in addition to any other penalty provided by law, or (ii) who  
13 causes death as a result of recklessly failing to exercise due care in  
14 violation of subdivision (a) of this section shall be guilty of a class  
15 C felony punishable by a fine of not less than two thousand nor more  
16 than five thousand dollars in addition to any other penalties provided  
17 by law, and by suspension of a license or registration pursuant to  
18 subparagraph (xviii) of paragraph b of subdivision two of section five  
19 hundred ten of this chapter.

20 (c) For the purposes of this section, the term "recklessly" shall have  
21 the same meaning as defined in section 15.05 of the penal law.

22 § 2. Paragraph b of subdivision 2 of section 510 of the vehicle and  
23 traffic law is amended by adding a new subparagraph (xviii) to read as  
24 follows:

25 (xviii) for a period of six months where the holder is convicted of a  
26 violation of paragraph two of subdivision (b) of section eleven hundred  
27 forty-four-a of this chapter and the commission of such violation caused  
28 serious physical injury to or death of another person.

29 § 3. The division of criminal justice services shall establish a  
30 public information campaign to instruct the public that operating a  
31 motor vehicle when approaching a parked, stopped or standing authorized  
32 emergency vehicle or hazard vehicle or vehicle displaying a blue or  
33 green light that results in physical injury, serious physical injury or  
34 death as a result of the operator recklessly failing to exercise due  
35 care to avoid a collision can result in serious criminal penalties.

36 § 4. This act shall take effect immediately.